

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

NATALIE JEAN JONES ROBERSON,

Plaintiff,

v.

ESTATE OF JOHN CARLTON JONES, JR.,  
PRUDENTIAL INSURANCE COMPANY  
OF AMERICA, and WASHINGTON GROUP  
INTERNATIONAL, INC.

Defendants.

No. 1:06-CV-265  
Chief Judge Curtis L. Collier

**ORDER**

Before the Court is Plaintiff Natalie Jean (Jones) Roberson (“Plaintiff”) and Defendants Prudential Insurance Company of America and Washington Group International, Inc.’s joint motion for transfer pursuant to 28 U.S.C. § 1404(a), requesting the Court to transfer this case to the United States District Court for the Eastern District of Arkansas at Little Rock (Court File No. 6). As cause, the parties argue Defendant Estate of John Carlton Jones, Jr. is a resident of Arkansas but would likely not be subject to personal jurisdiction in this Court. The parties also agree the Eastern District of Arkansas at Little Rock will be a more convenient forum with regard to the availability of the parties, witnesses, and documentary evidence.

This Court has broad discretion in considering a motion to transfer under § 1404(a). *Phelps v. McClellan*, 30 F.3d 658, 663 (6th Cir. 1994). Under Title 28, United States Code Section 1404(a), the Court may, for the convenience of parties and witnesses, and in the interest of justice, transfer any civil action to any other district or division where it might have been brought. This analysis

requires a two-step process. *Wood v. Novartis Pharmaceuticals Corp.*, No. 3:05-0716, 2005 WL 3050642, at \*2 (M.D. Tenn. November 10, 2005). First, the Court must determine whether the action is one which could have been brought initially in the proposed transferee district. *Id.* Second, the Court must examine whether the balance of interests favors transfer to the alternative forum. *Id.* When considering a motion to transfer, the Court “should consider the private interests of the parties, including their convenience and the convenience of potential witnesses, as well as other public-interest concerns, such as systemic integrity and fairness, which come under the rubric of ‘interests of justice.’” *Moses v. Business Card Exp., Inc.*, 929 F.2d 1131, 1137 (6th Cir. 1991).

This suit involves an employee benefit plan subject to the Employee Retirement Income Act (“ERISA”).<sup>1</sup> In ERISA cases, venue is proper “in the district where the plan is administered, where the breach took place, or where a defendant resides or may be found.” Defendant Estate of John Carlton Jones, Jr. is a resident of Arkansas. The remaining defendants in this action, Prudential Insurance Company of America and Washington Group International, Inc., consent to jurisdiction for this matter in the United States District Court for the Eastern District of Arkansas at Little Rock. Furthermore, both Plaintiff and Defendants agree the Eastern District of Arkansas will be a more convenient forum with regard to the availability of the parties, witnesses, and documentary evidence. Therefore, the Court finds a transfer pursuant to § 1404 is warranted. Accordingly, the Court **GRANTS** the joint motion for transfer (Court File No. 6) and **ORDERS** venue in this matter be transferred to the United States District Court for the Eastern District of Arkansas at Little Rock.

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<sup>1</sup>Although Plaintiff’s claim for child support and alimony payments does not directly involve the benefit plan, it indirectly affects it since the divorce decree states a lien may be placed on the benefit plan to secure the child support and alimony payments. *See McMillian v. Parrott*, 913 F.2d 310, 311 (6th Cir. 1990) (state law divorce decrees and judgments purporting to affect the benefits payable from an ERISA policy are preempted by ERISA). While there is an exception to ERISA’s preemptive effect on divorce decrees, See 29 U.S.C. § 1056(d)(3), the Court need not decide that issue to transfer this case.

/s/

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**CURTIS L. COLLIER**  
**CHIEF UNITED STATES DISTRICT JUDGE**